

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

DAVON MIAL,

Defendant.

S2 21-CR-499-05 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On April 27, 2023, defendant Davon Mial was sentenced principally to a term of imprisonment of 27 months. Dkt. 329.

On March 11, 2024, Mial filed a *pro se* motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guideline, which went into effect on November 1, 2023 and applies retroactively. Dkt. 338. The United States Probation Department has issued a report indicating that Mial is not eligible for a sentence reduction. Dkt. 339.


The Court has considered the record in this case, and the submissions on this motion of the defendant, Dkt. 338, and the Probation Department, Dkt. 339.

The Court finds that Mial is ineligible for a reduction of sentence because, as explained by the Probation Department, he does not meet the eligibility criteria of Amendment 821. That is because Mial's sentence was below the low end of the amended guidelines range that would result from application of Amendment 821. The Court therefore denies Mial's motion.

The Clerk of Court is requested to terminate the motion at Dkt. 338 and to mail a copy of this order to Mial at the below address:

Davon Mial – 59310-509
FCI Fort Dix
P.O. Box 2000
Fort Dix, NJ 08640

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: April 5, 2024
New York, New York